

May 13, 2005

VIA FACSIMILE (202-383-6610)
AND FIRST CLASS MAIL

Erik T. Koons, Esq.
Howrey Simon Arnold & White, LLP
1299 Pennsylvania Ave. N.W.
Washington, D.C. 20004

Re: Jeff Schmidt v. American Institute of Physics
Case No.: 04:3774 (AW)

Dear Mr. Koons:

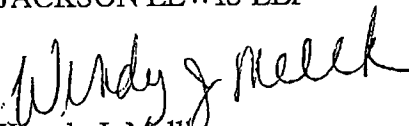
We are writing to resolve a discovery dispute, pursuant to Federal Rule of Civil Procedure Rule 37 and the Local Rules of the United States District Court for the District of Maryland. We are in receipt of Plaintiff's purported Responses to Defendant's First Request for the Production of Documents ("Plaintiff's Responses").

Please be advised that Plaintiff's Responses wholly are inadequate and do not comply with Rule 34 of the Federal Rules of Civil Procedure. Rule 34 requires a party responding to a request for production of documents to organize and label the documents to correspond with the categories in the request. We note that while Plaintiff has produced over 2000 pages of documents, Plaintiff has not identified the specific documents responsive to each particular request, in violation of Rule 34. Moreover, we cannot ascertain whether or not any of the documents produced to Defendant are responsive to any of Defendant's document production requests as Plaintiff responds to each request merely by stating a variety of objections, and then further stating that "subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control." Please promptly provide us with Responses that comply with F.R.C.P. Rule 34. Moreover, please indicate whether Plaintiff has produced all documents in his possession responsive to each individual request.

* We also have not received Plaintiff's Responses to Defendant's First Request for Interrogatories. We also expect that we promptly will receive Plaintiff's interrogatory responses (which were served on Plaintiff on March 15, 2005).

Very truly yours,

JACKSON LEWIS LLP


Wendy J. Mellik

WJM/dc

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FAX

To: Erik T. Koons, Esq.
Company: Howrey Simon Arnold & White, LLP
Fax: 202-383-6610 Tel #:
From: Wendy J. Mellk, Esq.
Sender: Diane C.
Subject: Jeff Schmidt v. AIP
Date: May 13, 2005
Client/Matter #: 49893
Pages: 3
Original: _____ Will Follow X Will Not Follow

MESSAGE: Please see the attached.

2005 MAY 13 AM 8:33

Please contact Diane Carroll if there are any problems with this transmission.

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